

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

SEAN ODELL-BRYAN ROSS,

Plaintiff,

vs.

SHERIFF PETERSON, ET AL.,

Defendants.

CV 24-173-M-DWM

ORDER

Plaintiff Sean Odell-Bryan Ross filed a 42 U.S.C. § 1983 Complaint related to his current conviction and incarceration. (Doc. 1.) The filing is more appropriately characterized as a petition for a writ of habeas corpus. The Complaint will be dismissed.

Ross's Complaint is entirely related to what he characterizes as a wrongful incarceration. He alleges that he was sentenced to the Montana State Hospital or a least restrictive alternative for mental health treatment. (Doc. 1 at 4.) Instead, he has been held, he contends illegally, at Missoula County Detention Center.

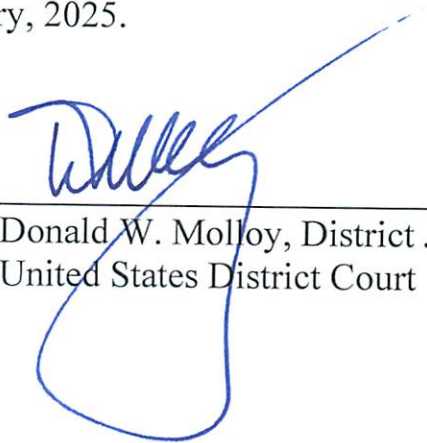
"Habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action." *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016). A prisoner in state custody cannot use a § 1983 action to challenge "the fact or duration of his confinement" and must seek federal habeas corpus relief (or appropriate state

relief) instead. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). Ross's Complaint will be dismissed. His remedy is most like with a petition for a writ of habeas corpus in state court.

Accordingly, IT IS HEREBY ORDERED:

1. The Clerk of Court is directed to close this case. All pending motions are DENIED.
2. The Clerk of Court is directed to provide Ross with the Court's form for a petition for a writ of habeas corpus and a form to proceed in forma pauperis on that petition.

DATED this 6<sup>th</sup> day of February, 2025.



---

Donald W. Molloy, District Judge  
United States District Court